

IN UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT
APPLICATION

In re PATENT APPLICATION of Inventors: Marc ZABEAU et al.

Appln. No: 09/011,307

Filed: February 9, 1998

Title: RESISTANCE AGAINST WILT INDUCING FUNGI

Group Art Unit: Unassigned

Examiner: Unassigned

Atty. Dkt: GUPLA 0008

Date: May 1, 1998

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

TRANSMITTAL

Enclosed are a Declaration/Power of Attorney and a PTO-1595 Assignment Recordation Cover Sheet w/Assignment.

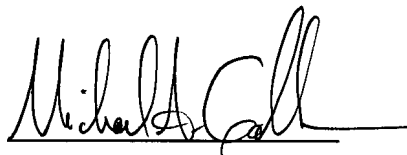
FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. "Small Entity" Statement(s) filed [] previously [] herewith	Claims Remaining After Amendment	Highest Number Previously Paid for	Additional Fee Present Extra		
2. Total Effective Claims	** minus	**	= *	Large/Small Entity	
3. Independent Claims	* minus	*	= *	x \$22/\$11 =	\$ _____
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue appln) add \$270/\$135				x \$82/\$41 =	\$ _____
5. Original due date: [] None; [] _____					+ _____
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached - 1 month \$ 110/55; 2 months \$ 400/200; 3 months \$ 950/475					+ _____
7. If Terminal Disclaimer attached, add Rule 20(d) Official fee (\$110/\$55)					+ _____
8. If IDS attached requires Official Fee, add \$210 or \$130 if Rule 97(d) Petition					+ _____
9. Assignment Recordal Fee					+ 40.00
10. Application Fee - Small/Large Entity -					+ _____
11. Surcharge - Late filing fee for oath or declaration					+ _____
12.				SUBTOTAL	\$ 40.00
13. Fees paid upon filing of application (insert application filing date and check no.) Or Enter any previous extension fee paid since above original due date and subtract					- _____
14.				TOTAL FILING FEE	\$ 40.00
A check in the amount of \$ 40.00 is attached.					
15.	*If the entry in this space is less than entry in the next space, the "Present Extra" result is "0".				
16.	**If the "Highest number previously paid for" in this space is less than "20", write "20" in this space.				
17.	***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.				
18.	Please charge Deposit Account No. 19-3700 in the amount of \$ _____ for the fee under 37 CFR §1.17. A duplicate of this sheet is attached.				

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, including any fees for extension of time, which are required for entry of the attached documents but which have not been specifically requested, or credit any overpayment to Deposit Account No. 19-3700. A duplicate of this sheet is attached.

SPENCER & FRANK
Suite 300 East
1100 New York Avenue, N.W.
Washington, D.C. 20005-3955
Tel. (202) 414-4000

Signature



Attorney: Michael A. Gollin
Registration No. 31,957

Atty/Sec: MAG/dm

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81944

S&F Filing Number

May 1, 1998

Filing Date

Atty. Docket No.: GUPLA 0008

Re: Marc ZABEAU et al.

Intn'l Appl. No.: PCT/EP96/03480

International Filing Date: August 6, 1996

Serial No.: 09/011,307

Filing Date: February 9, 1998

Patent No.:

Issue Date:

Trademark:

Trademark Reg. No.:

Opposition/Cancellation No.:

The following items were received from Spencer & Frank
Washington, D.C., by the U.S. Patent & Trademark Office:

U.S. PTO FEES ENCLOSED

<input checked="" type="checkbox"/>	Transmittal Letter		Filing Fee
	New U.S. Patent/Design		
	Application (_____ pages of		Surcharge Fee
	spec/claims)		
	Formal Drawings (10 sheets-figs.1-7)		Additional Claim Fee
<input checked="" type="checkbox"/>	Inventor Declaration (Signed)		
	National Stage Application	\$ 40.00	Assignment Recordation Fee
	Translation of International		
	Application		IDS Fee
	New U.S. TM Application		
	(_____ specimens)		Extension Fee
	Rule 62 Continuation/Division		
	Continuation-In-Part Application		Notice of Appeal Fee
	Rule 60 Continuation/Division		
	Application (in duplicate) Attach		Brief on Appeal Fee
	copy of specification, claims		
	drawings & declaration)		Oral Hearing Request Fee
	Priority Document - Cert. copy of		
	_____ Appln.# _____		Petition Fee
	Date _____		
<input checked="" type="checkbox"/>	Assignment w/PTO-1595 Recordation		Issue Fee
	Cover Sheet		
	IDS w/PTO-1449		Maintenance Fee
	(_____ references)		
	Response/Amendment		TM Statement of Use
	Preliminary Amendment		
	Petition/Request for Extension of		\$ 8 Affidavit Fee
	Time		
	Notice of Appeal		\$\$ 8 and 15 Affidavit
	Appeal Brief (in triplicate)		
	Reply Brief (in triplicate)		TM Renewal Application Fee
	Request for Oral Hearing		
	Confirmation of Hearing Petition		Notice of Opposition Fee
	Issue Fee Transmittal		
	(Debit Note _____)		
	Certificate of Correction		
	Maintenance Fee Transmittal		
	TM Statement of Use		
	Declaration Under \$ 8		
	Declaration under \$\$ 8 and 15		
	TM renewal Application		
	Notice of Opposition	\$ 40.00	TOTAL FEES ENCLOSED

Check Number 15529

94
105 Rec'd PCT/PTO 10 AUG 1998

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re National Phase Application of: Marc ZABEAU et al.

RECEIVED

International Application No.: PCT/EP96/03480

15 OCT 1998

International Filing Date: August 6, 1996

Legal Staff
International Division

For: RESISTANCE AGAINST WILT INDUCING FUNGI

Attorney Docket No. GUPLA 0008

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Assistant Commissioner for Patents
Washington, D.C. 20231

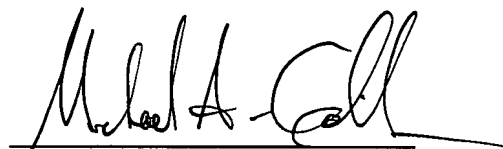
Sir:

In response to the Notification of Missing Requirements dated July 21, 1998, enclosed is a copy of the executed declaration which was filed on May 1, 1998, with a PTO date-stamped transmittal letter authorizing charge of the requisite \$130.00 fee to Deposit Account No. 19-3700. We note that the original transmittal and declaration were returned to us with the assignment recordal, and were therefore presumably overlooked by the PTO. We enclose these originals once more.

Please issue a Notification of Acceptance giving the May 1, 1998 completion date.

Date: August 10, 1998

Respectfully submitted,



Michael A. Gollin
Registration No. 31,957

05/07/1999 PVOLPE 00000093 193700 09011307
01 FC:154 130.00 CH

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MAG/trt

09/011307



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

MAG

U.S. APPLICATION NO. 09/011,307 FIRST NAMED APPLICANT ZABEAU M ATTY. DOCKET NO. GUPLA0008

INTERNATIONAL APPLICATION NO.

PCT/EP96/03480

I.A. FILING DATE

PRIORITY DATE

08/06/96

08/07/95

DATE MAILED:

07/21/98

SPENCER & FRANK
SUITE 300 EAST
1100 NEW YORK AVENUE NW
WASHINGTON DC 20005-3955

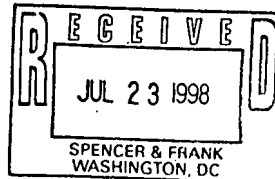
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Miss. Requiescitur / Aug 21, 1998

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
 - ☐ a non-English language.
 - ☐ English.
- ☒ Translation of the international application into English.
- ☐ Oath or Declaration of Inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☒ Preliminary amendment(s) filed 09 FEB 98 and
- ☐ Information Disclosure Statement(s) filed
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed
- ☐ Verified Statement Claiming Small Entity Status:
- ☒ Priority Document.
- ☒ Copy of the International Search Report and copies of the references cited therein.
- ☐ Other:



2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875

FORM PCT/DO/EO/905 (September 1996)

Mamie Person
Telephone: (703) 305 3737